



**TO:** All DWD Staff  
**FROM:** Craig Hartzler, Commissioner  
**DATE:** December 22, 2000  
**SUBJECT:** DWD Communication 2000-18  
Leave Policy

Frank O'Bannon, Governor  
Alan D. Degner, Commissioner

Dept. of Workforce Development  
Indiana Government Center South  
10 North Senate Avenue  
Indianapolis, IN 46204-2277  
Phone: 317/232-7670  
FAX: 317/233-4793  
TDD: 317/232-7560  
<http://www.workforce.IN.gov>

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**PURPOSE:** To establish a consistent policy for the purpose of managing the operations of the agency and to provide quality customer service to DWD clients.

**RESCISSION:** DWD Communication Policy: #2000-1, #1001, #H96P-1000, and #91-347.

**CONTENT:** This policy transmits the proper use of the State of Indiana leave policies.

**VACATION LEAVE:**

Consistent with the operational needs of the agency, vacation leave shall be granted at such times during the year as requested by the employee.

Employees shall be limited to four (4) calendar weeks of vacation at any one time. Vacation requests that are longer than four (4) calendar weeks, requires a recommendation from the Commissioner, or his/her appointing authority and the approval by the State Personnel Director.

No vacation shall accrue to full-time employees during the first six (6) months of employment, or to eligible part-time employees during the first twelve (12) months, but upon completion thereof, regular vacation leave shall be granted for time served during that period.

Upon separation of employment, considering the employee leave in good standing, payment for unused vacation leave will be paid up to a maximum of two-hundred and twenty five (225) hours.

**Accrual:**

Full-time employees who are eligible to earn vacation leave shall earn 7.5 hours of vacation leave with pay for each full month of employment. Part-time employees eligible to earn vacation leave shall earn 3.75 hours of vacation leave with pay for each full month of employment.

Employees who have completed five (5) years or more of full-time employment, or ten (10) years or more of half-time employment, shall accrue 22.5 additional hours of vacation leave with pay on their annual accrual date.

Employees who have completed ten (10) years or more of full-time employment, or twenty (20) years or more of half-time employment, shall accrue thirty-seven and one-half (37.5) additional hours of vacation leave with pay. In addition, employees will earn twenty-two and one-half (22.5) hours plus thirty-seven and one-half (37.5) for a total of sixty (60) hours annually on their accrual date.

Employees who have completed twenty (20) years or more of full-time employment, or forty (40) years or more of half-time employment, shall accrue thirty-seven and one-half (37.5) additional hours of vacation leave with pay. Employees will earn additional twenty-two and one-half (22.5) plus thirty-seven and one-half (37.5) for a total of ninety-seven and one-half (97.5) hours annually on their accrual date.

## **SICK LEAVE:**

All eligible employees may use accumulated sick leave for an illness, injury, legal quarantine, or visits to a licensed health care provider, or for an illness or injury to a member of the employee's immediate family which necessitates the employee's absence from work. The use of said leave is contingent upon availability, proper notice and verification of a licensed health care provider when requested.

The employee shall request leave from the appropriate manager or supervisor up to fifteen (15) minutes after the start of his/her assigned work hours.

Employees may be asked to submit a statement from a licensed health care provider to verify fitness to work or legitimacy of leave request in the following circumstances:

1. Employee is off work for three (3) or more consecutive days.
2. Employee has demonstrated an unacceptable attendance record.
3. Employee has previously requested vacation or compensatory time for date in question.
4. Employee has demonstrated behavior which might indicate that a fitness problem may exist.
5. Request for sick leave is thought to be in concert with a job action or other form of work stoppage.
6. The request is made in conjunction with the Family and Medical Leave Policy.

Management reserves the right to designate a health care provider when appropriate. An employee submitting verification of disability shall be granted sick, vacation, personal, compensatory time, or special sick leave to cover any absence prior to their meeting the qualifications for disability benefits.

It shall be the responsibility of the employee to know his/her leave balances and to comply with all requirements to secure sick leave. An employee who fails to comply with the requirements of this policy shall be subject to loss of pay, a designation of being on unauthorized leave, and discipline.

Vacation leave may be used as sick leave if employee has no sick leave available. Sick leave may not be charged on the date a legal holiday is observed.

### **Accrual:**

Eligible full-time employees will accrue 7.5 hours of sick leave every two (2) months of employment, plus 7.5 additional hours every four (4) months of full-time employment. Eligible part-time employees will accrue 3.75 hours for every two (2) months of employment, plus 3.75 additional hours for every four (4) months of part-time employment.

### **Special Sick Leave:**

Special Sick Leave is only for time off needed due to the employee's own illness or recuperation from injury, unlike regular sick leave which can also be used to care for a sick family member. Special Sick Leave can only be used after the employee has exhausted all other vacation, sick, personal leave and overtime credits available, and only after the employee has received permission from the Commissioner or his/her appointing authority.

This leave is accrued on the basis of five (5) days of special sick leave for each one (1) year of continuous full-time service immediately prior to July 1, 1989 and pro-rated for partial years of service. Employees wanting to use Special Sick Leave must have pre-approval from the Commissioner, or his/her appointing authority before using this leave.

**PERSONAL LEAVE:**

All eligible part-time and full-time employees shall be granted accumulated personal leave upon request, subject to compliance with proper notice requirements. Such notice requirements shall be waived upon receipt of documentation that an emergency situation existed. Employees are encouraged to offer management more than the required notice whenever possible. Employees shall notify the appropriate manager or supervisor up to fifteen (15) minutes after the start of their assigned work hours.

Management reserves the right to deny such requests in the following circumstances:

1. An inordinate number of requests are received for the same day, such as days before, on or after a holiday.
2. Proper notice requirement has not been met.
3. An emergency exists within the agency/institution which requires the presence of the employee. Normal workloads or staffing shortages shall not constitute an emergency for purposes of this policy.
4. Request is for one-half (1/2) personal leave day without approval prior to day in question.
5. Request is for consecutive personal leave days.

Time missed and subsequently not approved per the above shall be recorded as unauthorized leave and may subject the employee to discipline. It shall be the responsibility of the employees to know their leave balances and to comply with all requirements to secure personal leave.

Personal leave may not be charged on a legal holiday.

**Accrual:**

Eligible full-time employees shall accrue personal leave at the rate of 7.5 hours for every four (4) months of full-time employment. Eligible part-time employees working at least half-time at the rate of 3.75 hours for every four (4) month of employment. If employees are eligible to accrue a personal leave, but they have a balance of 22.5 hours, the personal leave will be credited to their sick leave.

**FUNERAL LEAVE:**

Employee's request for up to three (3) days of paid leave shall be honored by management. Such days shall be in conjunction with the time of death/date of the funeral. Management reserves the right to require documentation to verify authenticity of request when there is a legitimate reason to compel such verification.

Funeral leave covers death of: husband, wife, father, mother, son, daughter, brother, sister, grandparent, grandchild, or spouse of any of these, or a person living in the same household with employee. For married employees, these members of the spouse's family are included. Step- relatives or great-relatives of the above listed are also covered.

**TWO HOUR LEAVE POLICY:**

No longer effective; employees should use their accumulated leave (vacation, sick, and personal).

### **AUTHORIZED LEAVE:**

Authorized leave (AL) without pay must be approved by managers or supervisors. However, only under special circumstances will leave without pay will be approved. (For example, medical emergencies with appropriate medical documentation.) All requests for authorized leave must be justified on A-4 with a copy of appropriate documentation attached.

### **UNAUTHORIZED LEAVE:**

An employee requesting the usage of accrued leave has the responsibility to ensure that he/she has the appropriate amount of leave available. When an employee is absent from work and does not have the leave time available to cover the absence, or fails to follow the proper procedures in requesting approved leave, the employee will be charged with unauthorized leave. Unauthorized leave should be dealt with through progressive discipline (see below).

#### **The first occurrence of unauthorized leave / day taken by employee with no leave accrued leave:**

Employee will receive Authorized Leave (AL) without pay IF employee can provide appropriated documentation (i.e., medical documentation, police report of a car accident, etc.) within two (2) days.

#### **Second occurrence of unauthorized leave (or an unauthorized leave that occurs subsequent to an unauthorized leave being changed to authorized):**

Verbal counseling reminding employee that unauthorized leave is unacceptable, and that future occurrences of unauthorized leave will lead to further progressive discipline.

Further progressive discipline may be taken even if the employee has sufficient documentation, including medical documentation, to prove that the absence was beyond the employee's control.

Two or more days of unauthorized leave consecutively, will lead to a written reprimand or suspension even if it is the employee's first occurrence, or the employee has sufficient documentation, including medical documentation, to prove that the absence was beyond the employee's control.

Failure of an employee on leave to report for duty within five (5) working days after the Commissioner, or his/her appointing authority issues a written notice to return shall be deemed a resignation.

### **FAMILY MEDICAL LEAVE:**

To establish procedures for authorizing leaves of absence to employees because of the birth or placement of a child for adoption, or because of a serious health condition of the employee or the employee's child, parent or spouse.

This policy applies to all merit and non-merit employees subject to the executive authority of the Governor. This policy does not apply to employees of the State Police Department.

Employees may request and shall receive an unpaid leave of absence, intermittent leave or modified work schedule to care for spouse, child or parent who has a serious health condition and is dependent upon the employee for care.

Employees may request and shall receive an unpaid leave of absence in conjunction with the birth or placement of a child with the employee for adoption or foster care. Employees may request, subject to the approval of the Commissioner, or his/her appointing authority, a modified work schedule or intermittent leave following the birth or placement of a child with the employee. Leaves or schedule modifications must conclude within twelve (12) months after the birth or placement of the child with the employee.

Employees may request and shall receive an unpaid leave of absence to cover the employee's absence for his/her own serious health condition which makes the employee unable to perform any of the essential functions of the employee's position. This includes absences to receive treatment for a serious health condition.

In addition to leave under this policy, an employee may also be entitled to accrued paid leave, workers' compensation, short and long term disability and /or coverage under the Americans with Disabilities Act. In such cases, absences will also be charged against the employee's family/medical leave entitlement.

Whenever possible, the employee shall provide notice of at least fifteen (15) workdays of his/her intent to take such leave, and the dates and expected duration of the leave.

The Commissioner, or his/her appointing authority must notify an employee when leave is to be charged as family/medical leave.

The Commissioner, or his/her appointing authority shall provide the employee a leave notice when designating family/medical leave. If the notice is not provided, no action can be taken against the employee for failure to comply with the requirements contained in the notice.

Absences may not be retroactively designated as family/medical leave unless the Commissioner, or his/her appointing authority does not become aware of the reason until after the leave has begun, or the Commissioner, or his/her appointing authority is waiting receipt of documentation. If the Commissioner, or his/her appointing authority fails to properly designate the leave, the employee is entitled to the benefits of this policy, but the absence will not be charged against the employee's family/medical leave entitlement.

The employee shall provide certification of the birth or placement of a child. For medical leave, a certification of Health Care Provider may be required and must be provided if the employee is absent five (5) or more days. When leave is foreseeable, the employee shall provide the certification prior to the leave.

As soon as practical after receiving notice of need for an unforeseen family/medical leave, the Commissioner, or his/her appointing authority must provide the employee written notice which indicates whether medical certification will be required. If the leave has already begun, the notice may be mailed to the employee. If practicable, the employee must provide medical certification within fifteen (15) calendar days. The employee shall be provided a reasonable opportunity to correct any problems with the certification.

Except in cases involving workers' compensation or disability, only a State Health care provider, with the employee's permission, may contact the employee's health care provider concerning the employee's medical certification. The inquiry cannot be made for the purposes of seeking additional information.

If the Commissioner, or his/her appointing authority questions the validity of the employee's medical certificate, the Commissioner, or his/her appointing authority may require the employee to obtain a second opinion from a provider designated by the Commissioner, or his/her appointing authority. The second opinion may not be obtained from a provider who is employed by or regularly contracts with the State. If the opinions differ, the Commissioner, or his/her appointing authority shall provide the employee a list of two (2) or more specialists in the appropriate field.

The employee shall select from the list a third health care provider whose opinion shall be final and binding. Both the second and third opinions shall be at the State's expense. Pending resolution of the dispute, the employee shall be provisionally entitled to family/medical leave.

The Commissioner, or his/her appointing authority may request recertification of medical conditions under certain circumstances. If the employee fails to provide recertification within fifteen (15) days, when it is practicable to do so, additional family/medical leave may be denied until the recertification of second or third opinions may be required.

When an intermittent leave or modified work schedule is medically necessary, the employee and the Commissioner, or his/her appointing authority shall attempt to arrange a schedule which meets the employee's needs without unduly disrupting the operations, subject to the approval of the health care provider.

Use of intermittent leave or time off under a modified work schedule may be charged in increments of one hour. Where the employee uses accrued paid leave to cover the absence, it shall be charged against the employee's leave balance in increments of one hour.

An employee may not take more than twelve (12) weeks of leave under this policy in any twelve (12) month period. For this purpose, a rolling twelve (12) month periods will be used, measured backward from the date leave is used. Where the employee uses intermittent leave or is granted a modified work schedule, only the actual leave time will be charged against the twelve (12) week limit.

While on family/medical leave, the employee shall be entitled to coverage under State Health, Dental, Vision and Life insurance on the same terms and conditions in effect at the time leave began, provided the employee continues to pay the required employee share of the premium.

If available and appropriate, employees requesting family/medical leave are required to use ten (10) days of available sick leave prior to receiving unpaid leave. Thereafter, the employee may choose to use appropriate accrued paid leave or unpaid leave. Use of paid leave shall be charged against the twelve (12) week limit provided under this policy. Employees who have exhausted the twelve (12) weeks of leave are not prohibited from using other appropriate accrued leave to which they are entitled.

Employees returning to work from family/medical leave shall be returned to the same or equivalent position from which they left. Employees are also entitled to return to the same shift or equivalent schedule. A return-to-work medical certification is required when the employee has been absent for five (5) or more days.

No employee may be discriminated against for their use of family/medical leave. Use of family/medical leave cannot be considered as a negative factor in promotional and disciplinary decisions, nor can the use of such leave be charged against an employee under an attendance policy.

All uses of paid and unpaid leave under this policy must be recorded as family/medical leave on the employee's attendance report. All written documents pertaining to requests for or uses of family/medical leave must be maintained for at least three (3) years.

## **PARENTAL ABSENCE FOR CHILD'S EDUCATION**

The appointing authorities or his/her designee shall make reasonable efforts to approve employee requests for time off to foster involvement in their child's education through participation in parent-teacher conferences, classroom activities, or other means. Such time off shall be accomplished through the use of flexible work schedules to accommodate the time needed. In

those situations where flextime is not practical, such as twenty-four hour, seven-day operations, other appropriate forms of paid leave should be utilized.

It shall be the responsibility of management to effect the intent of this policy while ensuring that delivery of services is not adversely affected. It shall be the responsibility of employees to acquire prior approval for work schedule adjustments and only for those instances where school visits are involved.

**EFFECTIVE DATE:**

**ENDING DATE:**                   Until Rescinded

**ACTION:**     Each employee is responsible for adhering to this policy by requesting leave in accordance to the established procedures, and to maintain an sufficient amount of leave to cover all absence. Supervisor's signature on appropriate documentation for vacation leave, personal leave, sick leave, or compensatory time off validates the supervisor acknowledged that it is operationally permissible for employee to take requested leave. However, this acknowledgement does not shield employee from progressive discipline if it is discovered after leave is taken that the leave was not accrued. Absence due to incarceration will not be authorized.

**REFERENCE:**     AFSCME:     Article 33, Article 34, Article 35, Article 36 and Article 39  
Unity:             Article 18; Section A, Section B, Section C, Section E,  
                          Section F, and Section H  
Merit Rules:     IAC 2-11-3; IAC 2-11-4; IAC 2-11-4.5; IAC 2-11-8; IAC  
                          2-11-9 and IAC 2-11-11  
Non-Merit Rules:     IAC 1-9-3; IAC 1-9-4; IAC 1-9-4.5; IAC 1-9-7; and  
                          IAC 1-9-8